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EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/12/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/314,629

Applicant(s)

KAYASHIMA ET AL.

Examiner

Kevin Parton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, and 10-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8, 10 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 2 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper.No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/22/2003 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 10 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 10 recites the limitation "meta-based information" in line 12. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 17 recites the limitation "said routing means" in line 12. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1, 4-8, 10, and 13-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Nessett et al. (USPN 5,968,176).

8. Regarding claim 1, Nessett et al. (USPN 5,968,176) teach a system comprising a plurality of devices operating in a coordinated manner and a management server managing the plurality of network devices, comprising means for:

- a. Generating a plurality of pieces of setup information based on predefined meta-level information to be used for the plurality of network devices on which settings are to be made, the plurality of pieces of setup information being generated to maintain consistency in operation of the plurality of network devices (column 7, lines 23-25, 41-45). Please note that in the reference, the configuration front end uses policy information (meta-level information) that is the same for all nodes of a given type. This is used to generate consistent setup information for the nodes.
- b. Confirming consistency of the setup information set up in the plurality of network devices based on the meta-level information (column 7, lines 29-31). Please note that the back end of the reference confirms consistency by providing appropriate configuration to each different node type.
- c. Wherein the meta-level information is information to be used as a source for generating setup information for each of the

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plurality of network devices in a method according to a predefined policy for operating the network in a coordinated manner (column 7, lines 23-25, 41-45). Please note that a common system policy is set and instructions for each device type are generated using the meta-level security information in the configuration front end.

9. Regarding claims 4 and 13, Nessett et al. (USPN 5,968,176) teach all the limitations as applied to claims 1 and 10, respectively. They further teach means wherein each of the plurality of pieces of setup information includes setup information related to access control for the firewall (title, abstract, column 3, lines 58-61).

10. Regarding claims 5 and 14, Nessett et al. (USPN 5,968,176) teaches all the limitations as applied to claims 1 and 10, respectively. They further teach means wherein each of the plurality of pieces of setup information includes an access privilege policy of the server (column 3, lines 58-61).

11. Regarding claims 6 and 15, Nessett et al. (USPN 5,968,176) teach all the limitations as applied to claims 1 and 10, respectively. They further teach means wherein each of the plurality of pieces of setup information includes setup information related to a network application (title, abstract, column 3, lines 58-61; column 16, lines 10-11). Note that a number of the hosts will be running applications that will enact the policy statements.

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12. Regarding claims 7 and 16, Nessett et al. (USPN 5,968,176) teach all the limitations as applied to claims 1 and 10, respectively. They further teach means:

- a. Wherein the management server includes means for distributing routing means for routing settings from setup information for the firewall (column 10, lines 47-59).
- b. Wherein the distributed routing means includes means for setting up the setup information in the network device (column 9, lines 19-21; 26-28).

13. Regarding claims 8 and 17, Nessett et al. (USPN 5,968,176) teach all the limitations as applied to claims 7 and 10, respectively. They further teach means wherein the management server and the routing means includes means for performing mutual authentication and means for encrypting data (column 16, lines 10-11).

14. Regarding claim 10, Nessett et al. (USPN 5,968,176) teach s system having a plurality of network devices operating in a coordinated manner and a management server managing the plurality of network devices, the management server with means for:

- a. Generating a plurality of pieces of setup information based on predefined meta-level information that is referred to for causing the plurality of network devices to operate in a coordinated manner (column 7, lines 23-25, 41-45). Please note that in the reference, the configuration front end uses policy information

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(meta-level information) that is the same for all nodes of a given type. This is used to generate consistent setup information for the nodes.

- b. Distributing the plurality of pieces of setup information to each of the network devices (column 9, lines 26-28).
- c. Wherein consistency of each of the plurality of setup information for each of the plurality of network devices operating in a coordinated manner is confirmed based on the meta-based information (column 7, lines 29-31). Please note that the back end of the reference confirms consistency by providing appropriate configuration to each different node type.
- d. Wherein the meta-level information is information to be used as a source for generating setup information for each of the plurality of network devices on a network according to a predetermined policy for operating the network in a coordinated manner (column 7, lines 23-25, 41-45). Please note that a common system policy is set and instructions for each device type are generated using the meta-level security information in the configuration front end.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nessett et al. (USPN 5,968,176) in view of Crichton.

17. Regarding claims 3 and 12, although the system disclosed by Nessett et al. (USPN 5,968,176) (as applied to claims 1 and 10, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein each of the plurality of pieces of setup information includes tunneling setup information.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Nessett et al. (USPN 5,968,176), as evidenced by Crichton et al.

In an analogous art, Crichton et al. discloses a system for the setup of communications between machines behind disparate firewalls. The system includes each of the plurality of pieces of setup information includes tunneling setup information (column 4, lines 20-34).

Given the teaching of Crichton et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Nessett et al. (USPN 5,968,176) by employing tunneling setup information in the standard setup information. Firewalls are a common network element that must be setup in any configuration operation. Setting them up for tunneling allows for greater ease of communication between machines on both sides of the firewall.



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***Allowable Subject Matter***

18. Claims 2 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

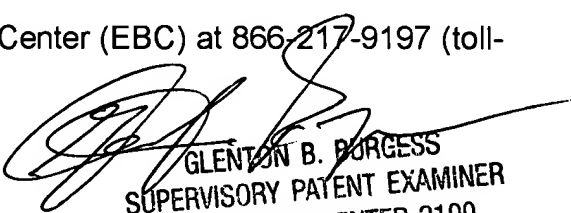
***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see Langfahl, Jr. (USPN 6,031,528).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

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Kevin Parton  
Examiner  
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